

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

NICOLE MEDICAL EQUIPMENT & SUPPLY, INC. and DOMINIC ROTELLA, Plaintiffs,	:	CIVIL ACTION NO. 11-1107
	:	
	:	
	:	
v.	:	
	:	
	:	
UNITED STATES OF AMERICA, Defendant.	:	

ORDER

AND NOW, this 28th day of March 2012, upon review of Defendant's Motion to Dismiss [Doc. No. 13], Plaintiffs' Response in Opposition, and Defendant's Reply, and for the reasons set forth in the attached Memorandum Opinion, it is hereby **ORDERED** that:

1. Defendant's Motion to Dismiss is **GRANTED**, as the Court lacks subject matter jurisdiction over this matter;
2. The above captioned case shall be **TRANSFERRED** to the Court of Federal Claims.

The Clerk of Court is **DIRECTED** to close this case.

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFE, J.